
OLR Bill Analysis

sSB 1112

AN ACT CONCERNING BOATING UNDER THE INFLUENCE.

SUMMARY:

This bill makes numerous changes to the boating under the influence statutes, including (1) specifying that a conviction for reckless boating results in the suspension of a person's boating rights; (2) reducing the time between chemical analysis tests from 30 to 10 minutes; (3) adding to the blood and urine samples that are permissible evidence; and (4) requiring prosecutors to specify reasons for a reduced, nolle, or dismissed boating under the influence charge. The bill also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2011

BOATING UNDER THE INFLUENCE

Suspension of Boating Rights

The bill specifies that a conviction for reckless boating under the influence in the 1st or 2nd degree will result, in addition to fines, imprisonment, or both, in the suspension of the person's safe boating certificate or certificate of personal watercraft operation (which are required for legal boating) or the person's right to operate a vessel that requires a safe boating certificate.

Time Between Tests

The law specifies the circumstances under which blood alcohol content (BAC) test results are admissible in criminal prosecutions for boating under the influence (1st and 2nd degree), reckless boating under the influence, manslaughter in the 2nd degree with a vessel, and hunting under the influence. Under current law, a second BAC test must be performed at least 30 minutes after the initial test. The bill reduces the time period between tests to 10 minutes.

Blood and Urine Samples as Admissible Evidence

Under current law, blood samples collected at a hospital after an accident are competent evidence to establish probable cause for a person's arrest under the boating under the influence law.

The bill makes blood or urine samples collected at an accident scene or on the way to the hospital and urine samples collected at the hospital, permissible evidence that may be seized and used in prosecutions of boating under the influence, reckless boating, and manslaughter in the 2nd degree with a vessel.

Under current law, a blood sample must have been taken by a person licensed to practice medicine in Connecticut, a qualified laboratory technician, an emergency technician II, or a registered nurse. The bill instead requires the blood sample to be taken and analyzed in accordance with public safety regulations.

Prosecutor Must State Reasons for Reduction, Nolle, or Dismissal

By law, if a person is charged with boating under the influence, the charge cannot be reduced, nolle, or dismissed unless the prosecuting attorney states in open court his or her reasons for the action. The bill extends this requirement to a person charged with manslaughter in the 2nd degree with a vessel and reckless boating under the influence in the 1st or 2nd degree.

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 25 Nay 0 (03/21/2011)